

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
EURUS ENERGY BORREGO SOLAR FARM
3300-10-026
ER No. 3910-09-050-001

May 26, 2011

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

As identified by Section 67.720 (Borrego Valley) of the San Diego County Groundwater Ordinance, it has been determined that groundwater resources are adequate to meet the groundwater demands of the project.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The proposed project is located within alluvial fan map (Coyote Canyon Fan) in Borrego Spring. The project is not proposing to place structures with a potential for human occupation within flow path. The project is also meets all the requirements from Borrego Valley Flood Management Report prepared by Boyle Engineering Corporation, date October 1989; therefore, the project complies with the floodway and floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

The average slope for the property is 0-5% percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site as determined on a site visit conducted by Staff on September 2010. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County certified archaeologist Patricia Mitchell of KP Environmental and it has been determined that there are two archaeological sites on the property and two isolates. Archival research has determined that the sites are not significant under the Resource Protection Ordinance, but one, CA-SDI-20016 is significant under the State California Environmental Quality Act (CEQA) Guidelines, Section 15064. The project complies with the CEQA as mitigation measures have been incorporated as conditions of approval to lessen project impacts to less than significant.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
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NO
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NOT APPLICABLE
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Discussion:

The document is substantially complete and complies with the WPO requirements for a Stormwater Management Plan.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
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NO
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NOT APPLICABLE
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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project consists of the installation of transformers/inverters and a site substation also known as the Borrego 1 Solar Project. The project site is zoned S92 and is subject to the most restrictive one-hour average nighttime sound level limits of 45 dBA at the project property line. The project PV panes would be mounted on either a fixed tilt or single axis tracker design. Both scenarios have been evaluated within the noise report.

Two worst case scenarios were identified: First scenario is located along the western property line where the transformer/inverter would generate combined noise level impacts. The second scenario is located along the southern and eastern property line where the site Substation and transformers/inverter would generate combined noise impacts. First scenario: The closest transformer and inverter location is 186 feet from the western property line. Combined noise levels from these sources would generate a sound level of 34.4 dBA at this property line which is well below the 45 dBA requirement. Second scenario: Under the fixed array design, the substation and transformer/inverter located along the southern and eastern property line would generate a combined noise level as high as 44.6 dBA at the nearest property line. Under the tracker array design, combined noise levels would also be as high as 44.6 dBA at the nearest property line. Both proposed fixed and tracker designs and the proposed substation would comply with the 45 dBA property line requirement pursuant to the County Noise Ordinance, Section 36.404.

Field measurements for Corona noise were taken along an existing 69 kV transmission lines in the Borrego Springs area. These measurements would be representative of the proposed project. Dry condition measurements resulted in very low noise levels below 20 dBA. During moist or wet conditions the Corona noise can double, resulting in a noise level ranging from 35 to 37 dBA. These levels are below the 45 dBA County noise standard requirements.

The project is also subject to temporary construction equipment operations, which allows a eight hour average sound level limit of 75 dBA at the project property line where an existing occupied structure is located pursuant to the County Noise Ordinance, section 36.409. Both anticipated grading and installation operations would generate a sound level of 74.9 dBA at the project property line. Additionally, some of the adjacent properties do not have a legal occupied structure and would not be subject to the 75 dBA requirement. Based on the noise report, operations of construction equipment would generate noise levels below the 75 dBA requirement. Therefore, the proposed project would comply with County noise standards. No noise mitigation and/or noise conditions are required at this time.

CALIFORNIA AERONAUTICS ACT – Does the proposed project conform to the Act's provisions?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The San Diego County Airport Land Use Commission has found the project to be conditionally compatible with the California Land Use Planning Handbook's Safety Compatibility Criteria for Safety Compatibility Zones, based on the type and the intensity of the proposed land use meeting the applicable Safety Compatibility Policies of the Ramona Airport Land Use Compatibility Plan.

US Code of Federal Regulations Federal Aviation Regulations, Objects Affecting Navigable Airspace, Title 14, Chapter 1, Part 77 – Does the proposed project conform to the Code's provisions?

YES

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NO

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NOT APPLICABLE/EXEMPT

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The Federal Aviation Administration (FAA) has found the project not to exceed obstruction standards and not to be a hazard to air navigation, subject to conditions. The project therefore is in compliance with US Code of Federal Regulations Federal Aviation Regulations, Objects Affecting Navigable Airspace, Title 14, Chapter 1, Part 77.